

REMARKS

This Amendment is being filed in response to the Office Action mailed December 19, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 and 13-17 are pending in the application, where claims 11-12 had been previously canceled without prejudice and claims 15-17 have been added by the present amendment. Claim 1 is independent.

By means of the present amendment, claims 1-10 and 13-14 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-10 and 13-14 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 13 is rejected under 35 U.S.C. §112, second paragraph. In response, claim 13 has been amended to

remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claim 13 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-8 and 13-14 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,801,483 (Watanabe) in view of U.S. Patent No. 5,869,927 (Matsuo). Further, claims 9-10 are rejected under 35 U.S.C. §103(a) over Watanabe in view of Matsuo and WO 01/56350 (Hendriks). It is respectfully submitted that claims 1-10 and 13-17 are patentable over Watanabe, Matsuo and Hendriks for at least the following reasons.

Watanabe is directed to a fluorescent lamp that includes two phosphor layers 21, 22 on the inner surface of an envelope 2. As recited on column 5, lines 43-48, the first phosphor layer 21 is coated on an inner surface of an envelope 2 and is made of an ultraviolet luminescent compound, such as $\text{SrB}_4\text{O}_7:\text{Eu}^{2+}$, as recited on column 3, lines 40 and 44. The second phosphor layer 22 is coated on the first phosphor layer 21 and is made of a mixture of three luminescent compounds, as recited on column 3, lines 32-37, for emitting red, blue and green emissions.

Matsuo is directed to a fluorescent lamp having a mixed layer 3 with phosphor material 7 and couplings 6 of a metal oxide, such as yttrium oxide, formed on the inner surface of a glass bulb 2. As shown in FIG 1-2, the mixed layer 3 is between two thin films 4, 5 of yttrium oxide.

It is respectfully submitted that Watanabe, Matsuo, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided):

a portion of an inner surface of the discharge vessel facing the discharge space being provided with a protective layer adjacent said luminescent layer, wherein protective layer comprises a phosphate of scandium.

A protective layer comprising a phosphate of scandium is nowhere disclosed or suggested in Watanabe, Matsuo, alone or in combination. Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10 and 13-17 should also be allowed based at least on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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